

REMARKS

On January 15, 2004, Applicant filed a Request for Continued Examination (RCE). The RCE amended the independent claims. In response, the Examiner issued an Office action on April 30, 2004, which was a final rejection. On May 19, 2004, Applicant's counsel talked to the Examiner and pointed out that the Office action should have been non-final, rather than final, since the RCE amended the independent claims. The Examiner agreed that the Office action should have been non-final and stated that she would issue a new Office action that is the same as the April 30 Office action except that it would be non-final and that it would restart the three month response period.

The next thing that happened was that on June 2, 2004, Applicant filed by facsimile an Amendment in response to the Office action mailed April 30, 2004. This Amendment significantly amended the claims and also enclosed a Declaration of surprising and unexpected results. Thereafter, on June 29, 2004, the Examiner issued an Office action which is substantially the same as the April 30, 2004 Office action, except that it is non-final rather than final.

Because of the foregoing sequence of events, Applicant's Amendment filed June 2, 2004 is fully responsive to the Office action mailed June 29, 2004, since that Office action is substantially the same as the April 30, 2004 Office action. Accordingly, Applicant hereby incorporates by reference in its entirety Applicant's June 2, 2004 Amendment and Applicant accordingly submits its June 2, 2004 Amendment as its amendment in response to the June 29, 2004 Office action.

In summary, Applicant submits its June 2, 2004 Amendment as its response to the June 29, 2004 Office action and requests that the Office consider Applicant's June 2, 2004 Amendment as its response to the June 29, 2004 Office action.

If there are any fees resulting from this communication, please charge the said fees to our Deposit Account No. 16-0820, Order No. 34434.

Respectfully submitted,

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